The Library of Congress'

EARLY STATE RECORDS PROJECT

converted from the original microfilm held by the
Vincent C. Immel Law Library, Saint Louis University

through the generous support of a grant from the

Council on Library and Information Resources

This document contains handwritten text that may be partially illegible due to age, penmanship, or deterioration of the medium. LLMC has scanned the material in the same format and page order in which it is maintained in the source document taken from the collection "Records of the States of the United States of America, a microfilm compilation."

Territory of New Mexico
In the Supreme Court
March Term A.D. 1848 —
in the central district
Joab Houghton administrator of the
estate of Jesus Archuletta deceased
plaintiff in error in the Supreme Court
Manuel Armijo Defendant
Writ of error from the south eastern
Circuit of New Mexico.

The defendant by his attorney assigned the following errors in this case to wit.

1st That the Circuit Court in which this cause was tried admitted illegal and irrelevant testimony

2nd That any person contracting with an agent of the Government of New Mexico and according to law must look to the Government of Mexico for pay and not to the agent who was acting for the Government

3rd That the officer or agent of a Government is not responsible for his acts as an officer or agent for that Government to any individual with whom he may make a contract unless he has made such contract upon his individual responsability —

4th " That in this case the debts were Contract=ed by the defendant as an agent or officer of the Government of Mexico so far as Lightendoffer was Concerned —

5th " That when Manuel Armijo became General & Governor of New Mexico he never assumed any responsability for the debts upon which the judgment in this case obtained except as an officer or agent of the Government.

6th " That the history of this case & the war between the ~~M~~ United States & Mexico shows that Manuel Armijo had to abandon New Mexico before he collected funds out of which to pay the aforesaid Claims upon the Government —

7th " That the evidence in this case docu=mentary shows that the defendant never did promise & never intended to promise to pay the plaintiffs Claims out of his private funds.

8th " That the plaintiffs ~~did not~~ in the first place did not look to Armijo upon his individual resp=onsability for the payment of their

Claims that looked to the Estate of Archuletta as the legal source from which they were to collect their Claims & that they instituted suits & obtained Judgments for their Claims against the Estate of Archuletta deceased.

9th That the Circuit Court erred in going into the Jury room & speaking to jurors after they had heard the law & evidence of the case & had retired to the Jury room to consider of their verdict —

10th That it is the duty of the Court of Errors to reverse the Judgment of any Circuit Court if the Circuit Court has erred upon the trial of the Cause

~~Angney & Ashurst atty for Deft~~

11th That after having first looked to the Estate of Archuletta one of the plaintiffs or both presented ~~prefer~~ their Claims against the Government of the United States clearly showing that they did not Consider the defendant responsible in his individual Capacity —

12th
"

That when ~~a~~ a State ~~of a~~ or Country is invaded & the Governor or General has to abandon before an invading force that it becomes his duty to take all of the public property and funds with him to head Quarters or to some Superior Officer of the Government.

Augustus [illegible]
Atty for Dft

2

Joab Houghton
vs Admr &c
Manuel Armijo

Filed this 22nd of March 1848
J M Giddings Cl